

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEVIN FERNANDEZ,) 3:06-cv-00628-LRH-RAM
Plaintiff,)
vs.) ORDER
STATE OF NEVADA, et al.,)
Defendants.)

Before the court is Plaintiff's Motion for Review and Objections to Magistrate's Decision (#83¹) regarding Magistrate Judge McQuaid's screening order (#72) of Plaintiff's original complaint (#5), which dismissed Defendants State of Nevada and the Nevada Department of Corrections and the First, Fifth and Sixth Causes of Action of Plaintiff's original Complaint (#5). The court will treat Plaintiff's Motion for Review and Objections (#83) as a motion to reconsider Magistrate's Order (#72). Defendants have responded (#86) and Plaintiff has replied (#91).

18 Plaintiff objects to the dismissal of Defendants, State of Nevada and the Nevada
19 Department of Corrections due to Eleventh Amendment immunity and objects to the dismissal of
20 the First, Fifth, and Sixth Causes of Action of Plaintiff's original Complaint (#5) for failure to
21 state a claim. Thereafter, Plaintiff filed the present complaint, Plaintiff's Second Amended
22 Complaint (#154). Plaintiff's Second Amended Complaint was screened by this court (#155)
23 and addressed the law challenged by Plaintiff in his objection to the Magistrate Judge's screening
24 of Plaintiff's original Complaint. Plaintiff's motion (#83) is therefore moot and is DENIED.

IT IS SO ORDERED

DATED this 16th day of March, 2009.

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**LARRY R. HICKS
UNITED STATES DISTRICT JUDGE**

¹Refers to this court's docket number.